

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 SS-20 NSC-07 SP-03 SY-04 L-03 SCS-03

SCA-01 H-03 DODE-00 CIAE-00 INR-10 NSAE-00 RSC-01

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 1839

C O N F I D E N T I A L NEW DELHI 7364

THE FOLLOWING TELEGRAM SENT ACTION NEW DELHI FROM
CALCUTTA ON JUNE 4,1974 IS REPEATED FOR YOUR INFO

QUOTE

CALCUTTA 1083

E.O. 11652: GDS

TAGS: PFOR, PINS, CASC, IN

SUBJ: HARCOS/FLETCHER: CHARGES, TRIAL, ACCESS

REF: NEW DELHI 7257

1. I MET WITH GOWB HOME SECRETARY B. MUKHOPADHYAYA TODAY AT MY REQUEST IN ORDER TO PURSUE SOME QUESTIONS ABOUT THE HARCOS/FLETCHER TRIAL. IN ANSWER TO MY QUESTION AS TO THE DIFFERENCE, IF ANY, BETWEEN COMPLAINTS AND CHARGES, MUKHOPADHYAYA SAID THAT THEY ARE THE SAME THING. HE ALSO SAID THAT THE TRIAL IS IN PROGRESS RIGHT NOW. (THIS IS IN CONTRAST TO WHAT HE TOLD ME ON THE TELEPHONE MAY 28. CALCUTTA 1029). I SUSPECT HE MAY HAVE INFORMED HIMSELF A BIT MORE ABOUT THE CASE IN THE MEANTIME.

2. WHEN I ASKED WHAT THE CHARGES WERE, HOME SECRETARY SAID
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ONLY THAT THEY ARE COVERED BY THE OFFICIAL SECRETS ACT--HE WOULD PROVIDE NO MORE DETAIL, SAYING AGAIN THAT THIS WAS UP TO THE COURT.

3. AS FOR CONSULAR ACCESS, HOME SECRETARY CONFIRMED THAT WE MUST GET CONSENT OF CHIEF METROPOLITAN MAGISTRATE. HE SUGGESTED THAT I SEND A NOTE TO THE MAGISTRATE, FIX AN APPOINTMENT AND CALL ON HIM TO ARRANGE FOR THE FIRST MEETING (BETWEEN CONSULAR OFFICER AND HARCOS/FLETCHER). I WILL TRY TO GET AN APPOINTMENT FOR TOMORROW.

4. HOME SECRETARY SAID THAT GOWB IS KEEPING MINISTRY OF EXTERNAL AFFAIRS INFORMED OF ALL ASPECTS OF THIS CASE.

5. CONSULAR OFFICER SHERIDAN HAS ARRANGED FOR APPOINTMENTS WITH BOTH WORKING LAWYERS (BHOSE AND DUDHEWALA) WEDNESDAY. THIS REVERSES BHOSE'S DECISION NOT TO VISIT CONGEN OFFICES (CALCUTTA 0875). ON THE TELEPHONE, DUDHEWALA TOLD SHERIDAN THAT TOMORROW THEY, THE DEFENSE, WILL HAVE THEIR FIRST CHANCE TO LEARN OF THE SPECIFIC CHARGES. WE SHALL SEE.

6. HOW COMPATIBLE WHAT THE HOME SECRETARY TOLD ME (THAT THE TRIAL IS IN PROGRESS) AND WHAT THE LAWYERS TOLD THE CONSULAR OFFICER IS UNCLEAR. COULD IT BE THAT A PART OF THE TRIAL HAS BEGUN AT WHICH THE ACCUSED DO NOT HAVE DEFENSE? WE HOPE THIS WILL BE CLARIFIED IN THE NEXT DAY OR SO AND WILL LET YOU KNOW WHAT WE LEARN AS SOON AS WE LEARN IT.

7. IN ANY CASE, I WILL REQUEST ACCESS TO THE TRIAL AS WELL AS TO THE PRISONERS WHEN I SEE THE MAGISTRATE. CAN I REFER TO TEJA'S COMMITMENT ON QUESTION OF ACCESS TO TRIAL (NEW DELHI 7191).
PICKERING
SCHNDIER

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NNN

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

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